

Appl. No. 10/705,492
Attr. Docket No. 8911MC
Amdt. dated
Reply to Office Action of 9/12/2006
Customer No. 27752

REMARKS

Claims 1 - 16 are pending in the present application. Claims 1, 14, and 16 have been amended. Support for the amendments to Claims 1, 14, and 16 can be found at least on page 1, line 21 and page 12, lines 1-5 of the specification. No additional claims fee is believed to be due.

The Rejection under 35 U.S.C. 102(b) and/or 35 U.S.C. 103(a) over McAtee et al.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over McAtee, et al., U.S. Patent No. 6,153,208 (hereinafter "McAtec"). Applicants respectfully traverse the rejection. First, McAtec does not disclose a personal care article comprising a water insoluble substrate, a lathering cleansing composition contacted with said substrate wherein the composition comprises one or more crystalline surfactants, water, and one or more polar solvents; wherein said composition exhibits hotmelt behaviors; wherein said composition is substantially free of additional water-soluble crystalline structurants besides said crystalline surfactants. Thus, the McAtee reference does not anticipate Applicants' Claim 1-15. Further, the McAtee reference does not teach or suggest all of the claim limitations, as required in MPEP 2143.03. Thus, the obviousness rejection given in the Office Action does not establish a *prima facie* case of obviousness, and therefore, the claimed invention is unobvious.

The personal care articles of the present invention are manufactured more efficiently due to their "hotmelt" properties, even in spite of their inclusion of a substantial amount of water. The use of lathering cleansing compositions that exhibit hotmelt behavior yields the following benefits: 1) speed and ease of manufacture resulting from a one stage liquid tank mixing process; 2) increased processing speed during coating of a disposable substrate with these hotmelt compositions; 3) minimal or no drying time; 4) reduced tackiness (i.e., it and related articles tend to be dry to the touch) and/or reduced strikethrough (i.e., tendency of liquid compositions to penetrate a nonwoven web) due to the solid state of the hotmelt composition at room temperature; 5) improved moldability over softer more liquid-like compositions, e.g., shaped cleansing products can be formed; and 6) highly stable emulsions at room temperature as the

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solid/semi-solid state of the composition prevents coalescence of emulsified or suspended droplets.

McAtee is silent to the use of hotmelt behaviors. The Office Action admits that McAtee is silent with respect to the cleansing article having hotmelt properties. The Office Action states that it would have been obvious to one of skill in the art to exhibit hotmelt properties because McAtee teaches each of the claimed components in their requisite proportions. Applicants respectfully disagree. In addition to not mentioning hotmelt properties, every one of the examples listed in McAtee is oven dried. Oven drying has none of the advantages of the hotmelt process. Specifically, oven drying is an expensive and inefficient process.

Thus, McAtee does not teach each and every element of the present invention. Therefore, McAtee does not anticipate Applicants' Claims 1-15. Further, because McAtee does not teach or suggest all of the claim limitations of Claims 1-15, it does not establish a *prima facie* case of obviousness. Therefore, McAtee does not render Claims 1-15 of the Applicants' present invention unpatentable under 35 U.S.C. § 102 (b) or obvious under 35 U.S.C. § 103(a).

Hence, Applicants contend that the claimed invention is novel and unobvious and that the rejections should be withdrawn.

The Rejection under 35 U.S.C. 102(e) over Lorenzi et al.

Claims 1 -16 are rejected under 35 U.S.C. 102(e) as anticipated by Lorenzi, et al., U.S. Patent No. 6,491,933 (hereinafter "Lorenzi I") or Lorenzi, et al., U.S. Patent No. 6,322,801 (hereinafter "Lorenzi II"). Applicants respectfully traverse the rejection. Applicants' amended Claim 1 requires a personal care article comprising a water insoluble substrate, a lathering cleansing composition contacted with said substrate wherein the composition comprises one or more crystalline surfactants, water, and one or more polar solvents; wherein said composition exhibits hotmelt behaviors; wherein said composition is substantially free of additional water-soluble crystalline structurants besides said crystalline surfactants. Thus, the McAtee reference does not anticipate Applicants' Claim 1-16.

Applicants have formulated the compositions of the present invention without adding additional water soluble crystalline structurants. Previously known cleansing

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compositions that exhibit a hotmelt character have typically included additional structurants that aided in the re-crystallization of the compositions on cooling. Conventional structurants usually come in the form of water-soluble crystalline structurants or materials. These materials typically do not have a direct cleansing benefit and/or often exhibit poor surfactancy. These shortcomings often manifest themselves by poor lather and require the addition of synthetic surfactants. Such is the case with the compositions taught in the Lorenzi references. The examples in both of the Lorenzi references require the use of an additional structurant.

Thus, Lorenzi I and Lorenzi II do not anticipate Applicants' Claims 1-16. Therefore, Applicants contend that the present invention is novel in view of Lorenzi I and Lorenzi II and that the rejection should be withdrawn.

Conclusion

In view of the above, Applicants respectfully submit that each of the issues raised by the Office Action has been addressed. Reconsideration and allowance of each of the pending claims is respectfully requested.

Respectfully submitted,
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